

AMENDED IN ASSEMBLY APRIL 30, 2015

AMENDED IN ASSEMBLY APRIL 16, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 723

Introduced by Assembly Member Rendon

February 25, 2015

An act to ~~amend Section 17921.3 of~~ *add Section 17921.2 to* the Health and Safety Code, relating to building standards.

LEGISLATIVE COUNSEL'S DIGEST

AB 723, as amended, Rendon. Plumbing fixtures: WaterSense standards.

Prior law, until January 1, 2014, required manufacturers selling water closets or urinals in this state to offer high-efficiency models for sale in a specified percentage of all models offered, including 50% by January 1, 2010, 67% by January 1, 2011, 75% by January 1, 2012, 85% by January 1, 2013, and 100% by January 1, 2014. It required these manufacturers, by January 30 of 2010, 2011, 2012, and 2013, to inform, in writing, the California Energy Commission of the percentage of high-efficiency models it is offering for sale that year. A violation of these requirements is a misdemeanor.

~~This bill would, beginning January 1, 2017, instead prohibit manufacturers selling water closets, urinals, residential lavatory faucets, and showerheads from installing or selling any of the aforementioned plumbing fixtures that do not meet WaterSense standards set by the federal Environmental Protection Agency, as specified. The bill would remove the requirement that these manufacturers, by January 30 of each year, inform, in writing, the California Energy Commission, the~~

department, and the California Building Standards Commission of the number of WaterSense certified models it is offering for sale.

~~By changing the definition of a crime, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

This bill would require the California Energy Commission, when setting plumbing fixture water efficiency standards, to consider the performance requirements established by the WaterSense standards set by the federal Environmental Protection Agency.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17921.2 is added to the Health and Safety
2 Code, to read:

3 17921.2. When setting plumbing fixture water efficiency
4 standards, the California Energy Commission shall consider the
5 performance requirements established by the United States
6 Environmental Protection Agency WaterSense standards.

7 SECTION 1. ~~Section 17921.3 of the Health and Safety Code~~
8 ~~is amended to read:~~

9 ~~17921.3. (a) Notwithstanding any other law, all tank type water~~
10 ~~closets, urinals, residential lavatory faucets, and showerheads~~
11 ~~installed or sold in this state shall meet performance, testing, and~~
12 ~~labeling requirements established by the United States~~
13 ~~Environmental Protection Agency (EPA) WaterSense standards,~~
14 ~~as applicable. No other marking and labeling requirements shall~~
15 ~~be required by the state. All water closets, urinals, residential~~
16 ~~lavatory faucets, and showerheads installed or sold in this state~~
17 ~~shall be listed by an EPA accredited third-party certification agency~~
18 ~~to the appropriate WaterSense standards set forth in this~~
19 ~~subdivision. No other listing or certification requirements shall be~~
20 ~~required by the state.~~

21 ~~(b) (1) All tank type water closets sold or installed in this state~~
22 ~~shall use no more than an average of 1.28 gallons per flush. On~~

1 and after January 1, 2017, all tank type water closets, other than
2 institutional water closets, sold or installed in this state shall be
3 high-efficiency WaterSense certified water closets.

4 (2) All urinals sold or installed in this state shall use no more
5 than an average of one-half gallon per flush. On and after January
6 1, 2017, all urinals, other than blow-out urinals, sold or installed
7 in this state shall be WaterSense certified urinals.

8 (3) All lavatory faucets sold or installed in this state shall use
9 no more than an average of 1.5 gallons per minute. On and after
10 January 1, 2017, all lavatory faucets, other than institutional
11 faucets, sold or installed in this state shall be WaterSense certified
12 lavatory faucets.

13 (4) All showerheads sold or installed in this state shall use no
14 more than an average of two gallons per minute. On and after
15 January 1, 2017, all showerheads, other than institutional shower
16 heads, sold or installed in this state shall be WaterSense certified
17 showerheads.

18 (e) (1) This section does not preempt any actions of cities,
19 counties, cities and counties, or districts that prescribe additional
20 or more restrictive conservation requirements affecting water
21 closets, urinals, bathroom faucets, and showerheads.

22 (2) This section does not grant any new or additional powers to
23 cities, counties, cities and counties, or districts to promulgate or
24 establish laws, ordinances, regulations, or rules governing the sale,
25 installation, or use of low-consumption water closets, urinals,
26 bathroom faucets, and showerheads.

27 (d) The California Building Standards Commission or the
28 department may, by regulation, reduce the quantity of water per
29 flush or flow per minute required pursuant to this section if deemed
30 appropriate or not inconsistent in light of other standards referenced
31 in the most recent version of the California Plumbing Code, and
32 may refer to successor standards to the standards referenced in this
33 section if determined appropriate in light of standards referenced
34 in the most recent version of the California Plumbing Code.

35 (e) As used in this section, the following terms have the
36 following meanings:

37 (1) "Blow-out urinal" means a urinal designed for heavy-duty
38 commercial applications that work on a powerful nonsiphonic
39 principle.

1 (2) “WaterSense certified bathroom faucet” means a residential
2 lavatory faucet with a maximum flow of 1.5 gallons per minute.

3 (3) “WaterSense certified showerhead” means a showerhead
4 with a maximum flow of 2 gallons per minute.

5 (4) A “WaterSense certified water closet” means a water closet
6 with an effective flush volume that does not exceed 1.28 gallons.
7 Flush volumes shall be tested in accordance with ANSI Standard
8 ASME A112.19.2/CSA B45.1 and ANSI Standard ASME
9 A112.19.14.

10 (5) “WaterSense certified urinal” means a urinal that uses no
11 more than 0.5 gallons per flush, and is tested in accordance with
12 ANSI Standard ASME A112.19.2/CSA B45.1 or ANSI Standard
13 CSA B45.5/IAPMO Z124.

14 (6) “Institutional water closet” means any water closet fixture
15 with a design not typically found in residential or commercial
16 applications or that is designed for a specialized application,
17 including, but not limited to, wall-mounted floor-outlet water
18 closets, water closets used in jails or prisons, water closets in
19 hospitals and other medical care operations, water closets used in
20 bariatrics applications, and child water closets used in day care
21 facilities.

22 (7) “Urinal” means a water-using urinal.

23 (f) For purposes of this section, all consumption values shall be
24 determined by the test procedures contained in the WaterSense
25 standards established by the EPA.

26 SEC. 2. No reimbursement is required by this act pursuant to
27 Section 6 of Article XIII B of the California Constitution because
28 the only costs that may be incurred by a local agency or school
29 district will be incurred because this act creates a new crime or
30 infraction, eliminates a crime or infraction, or changes the penalty
31 for a crime or infraction, within the meaning of Section 17556 of
32 the Government Code, or changes the definition of a crime within
33 the meaning of Section 6 of Article XIII B of the California
34 Constitution.